

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

Annie Mason Benson,)	
)	8:10-cv-00497-JMC
Plaintiff,)	
)	MOTION TO EXTEND
v.)	DEADLINE FOR FILING OF
)	AFFIDAVITS OF RECORD CUSTODIANS
Sallie Mae, Inc.)	
)	
Defendant.)	

**MOTION TO EXTEND DEADLINE FOR FILING
OF AFFIDAVITS OF RECORD CUSTODIANS**

COMES NOW the Plaintiff, Annie Mason Benson, and hereby requests this Honorable Court to extend the deadline for filing affidavits of records custodian witnesses proposed to be presented by affidavit at trial until November 10, 2010, and as grounds therefore state as follows:

1. The current deadline for the filing of affidavits of records custodians is September 30, 2010. Both parties have served numerous subpoenas to date, and the Plaintiff is still awaiting responses from those subpoenas.
2. The current discovery deadline is not until November 29, 2010. Therefore, extending the deadline for the filing of affidavits until November 10, 2010, would not affect any other deadlines. Additionally, the new deadline of November 10, 2010, would still give the parties 14 days to object and take a deposition if necessary.
3. The Plaintiff's counsel emailed the Defendant's counsel regarding this motion, and Defendant's counsel requested the proposed new deadline. Plaintiff's counsel then provided the new requested deadline and requested a response today so that the motion could be filed prior to the deadline. Defendant's counsel's response was that no response could be provided today as more time was needed to consult with his client.
4. The efficiency of the Court and the trial of this matter will be served by the granting of this motion as it will allow the parties to proceed with filing affidavits rather than necessitate the taking of numerous depositions.

WHEREFORE, the Plaintiff respectfully requests this Court to extend the deadline for the filing of affidavits of records custodian witnesses proposed to be presented by affidavit at trial until November 10, 2010.

/s/ Penny Hays Cauley

Penny Hays Cauley, Fed. ID No. 10323

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO EXTEND DEADLINE FOR FILING OF AFFIDAVITS OF RECORDS CUSTODIANS** was electronically filed with the Court using the CM/ECF system which will serve a copy upon the following counsel:

Peter B. Murphy, Esq.
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This 29th day of September, 2010.

/s/ Penny Hays Cauley

Penny Hays Cauley